

**CHAPTER NO. 198****HOUSE BILL NO. 847**

**By Representatives Armstrong, Ferguson Tindell and Mr. Speaker Naifeh and Representatives DuBois, Brenda Turner, Vincent, Harry Brooks, Bittle, Sharp, Clem, Sargent, Davis, Gresham, Montgomery, Buttry, Roach, Wood, Cochran, Hensley, Litz, Yokley, Shaw, Hargett**

**Substituted for: Senate Bill No. 550**

**By Senator Clabough**

AN ACT to amend Tennessee Code Annotated, Section 39-15-413, relative to methods of preventing the sale of alcohol to persons prohibited from purchasing alcohol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-413, is amended by designating the present subsection (a) as (a)(1) and by adding the following new (a)(2):

(2) It is not a violation of §§ 39-15-404, 39-15-410, or 39-17-1501--39-17-1508, or any other statute prohibiting the use, possession or sales of alcohol, beer, lottery tickets, tobacco products, smokeless tobacco or smoking material or paraphernalia to a minor or a person under twenty-one (21) years of age, for a merchant in the business of selling alcohol, beer, lottery tickets, tobacco products, smokeless tobacco or smoking material or paraphernalia, to use or send a minor, or in the case of alcohol or beer, a person under twenty-one (21) years of age, to purchase any such product for the purpose of aiding in the enforcement of laws and policies prohibiting sales by the merchant at the merchant's place of business and preventing sales of such products to or use by individuals under age from occurring.

SECTION 2. Tennessee Code Annotated, 39-15-413, is further amended by deleting subsection (b) and substituting instead the following new subsections:

(b) Prior to using a minor to perform illegal or delinquent acts for the purposes of aiding in the enforcement of the laws of this state as permitted by this section, the law enforcement officer or merchant shall obtain the written approval of the minor's parent or legal guardian and the juvenile court. Provided, however, the consent of the minor's parent or legal guardian and the juvenile court shall not be required if the person used to make any such purchase is eighteen (18) years of age or older

(c) In order to use a minor, or in the case of alcohol or beer, a person under twenty-one (21) years of age, for any of the purposes permitted by this section, the requirements of this subsection shall apply.

(1) Any such minor or person under twenty-one (21) years of age shall not:

(A) Purposely disguise his or her appearance so as to misrepresent his or her actual age:

(B) If male, have facial hair; and

(C) Make statements designed to trick, mislead, encourage or confuse the employee.

(2) Any such minor or person under twenty-one (21) years of age shall:

(A) Be photographed, both before and after the law enforcement or merchant-initiated use of the person, for the purpose of creating a record of his or her appearance during the time of the permitted use of such person;

(B) Except only for those questions relating to his or her employment or purpose for engaging in the conduct, respond truthfully to all questions posed by the location employee, including, but not limited to, inquiries concerning his or her age; and

(C) If identification is demanded by the location employee, produce only a valid state-issued card, which indicates his or her actual date of birth.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 12, 2003**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 29<sup>th</sup> day of May 2003**

  
PHIL BREDESEN, GOVERNOR